

BILL NO. Z-97- 11-14

ZONING MAP ORDINANCE NO. Z- 07-97

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-11.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B (Limited
Business) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

All of Lots 1, 2, & 3 in Fremion's Addition.

and the symbols of the City of Fort Wayne Zoning Map No. M-11, as established by Section 157.016 of Title
XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and
approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Parrie,
and duly adopted, read the second time by title and referred to the Committee on
Regulations, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____, at
o'clock _____ M., E.S.T.

DATED: 11-25-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parrie,
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 12-9-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____

(ZONING) _____ ORDINANCE _____ RESOLUTION NO. 2-07-97
on the 9th day of December, 19 97

ATTEST: Sandra E. Kennedy SEAL Thomas P. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
10th day of December, 19 97,
at the hour of 1:20, o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day
of December, 19 97, at the hour of 1:00
o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm #530 / Fort Wayne IN 46802 / (219) 427-1129

#646

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R-2

to a/an: B1B

designation the property located at the common street address of: See Attached Sheet

and further described as follows: See Attached Sheet

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following:

Parts America Store

Property Owner(s) Name(s): Product Marketing Group, Inc.

David L. Augustyniak (President)
Street Address: 2827 Maplecrest Road

City: Ft. Wayne,

State: IN

Zip Code: 46815

Phone: 219-486-2447

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature

Product Marketing Group, Inc
by David L. Augustyniak (Pres)

Printed Name

Date

10/15/97

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

David Augustyniak

2827 Maplecrest Road

Ft. Wayne, IN 46815

219-486-2447

Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

Attached Sheet For Petition For a Zoning Map Amendment

Property Addresses: 3810, 3806, 3802, Lafayette Street

Legal Descriptions: Lots 1, 2, & 3 Fremion's Addition



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 2830 / Fort Wayne IN 46802 / (219) 427-1128

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R-2

to a/an: B1B

designation the property located at the common street address of: 3810 Lafayette

and further described as follows: Lot #3 except for the N 1' of Lot 3 Fremion's
Addition.

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: _____

Parts America Store

Property Owner(s) Name(s): Robert Filus

Street Address: 3810 S. Lafayette

City: Ft. Wayne

State: IN

Zip Code: 46806

Phone: 486-2447

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Robert S. Filus Robert S. Filus

Signature

Printed Name

10/15/97

Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
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- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

David Augustyniak

2827 Maplecrest Road

Ft. Wayne, IN 46815

219-486-2447

Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 2830 / Fort Wayne IN 46802 / (219) 427-1128

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R-2

to a/an: B1B

designation the property located at the common street address of: 3802 Lafayette

and further described as follows: North 32 ft of lot 1 Fremions Addition.

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following:

Parts America Store

Property Owner(s) Name(s): Betty L. McPheeters

Street Address: 6520 East 350 South

City: Laotto,

IN

State:

Zip Code:

46763-973C

Phone:

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Betty L McPheeters
Signature

BETTY L MCPHEETERS
Printed Name

10/25/97
Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

David Augustyniak
2827 Maplecrest Road
Ft. Wayne, IN 46815

219-486-2447
Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 2530 / Fort Wayne IN 46802 / (219) 427-1128

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R-2

to a/an: B1B

designation the property located at the common street address of: 3806 Lafayette

and further described as follows: Lot 2 & S2' of Lot 1 & N1' of Lot 3

Fremion's Addition

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following:

Parts America Store

Property Owner(s) Name(s): Kevin D. Richards

Street Address: 806 Greenlawn Ave

City: Ft. Wayne State: IN

Zip Code: 46808 Phone: 486-2447

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Kevin D. Richards Kevin D. Richards 10/15/97
Signature Printed Name Date

Signature Printed Name Date

Signature Printed Name Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

David Augustyniak

2827 Maplecrest Road

Ft. Wayne, IN 46815

219-486-2447

Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1997 a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-97-11-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1997.

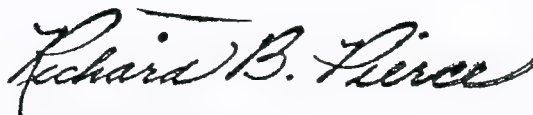
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. Approval will provide a better alignment of zoning districts with the east side of Lafayette Street.
- 2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The proposed new construction will result in an substantial improvement in the area.
- 3) Approval is consistent with the preservation of property values in the area. Approval should encourage reinvestment in the area, both commercially and residentially. The petitioner has volunteered site screening to mitigate impacts on adjoining properties.
- 4) Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This is an extension of commercial zoning along an arterial street.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

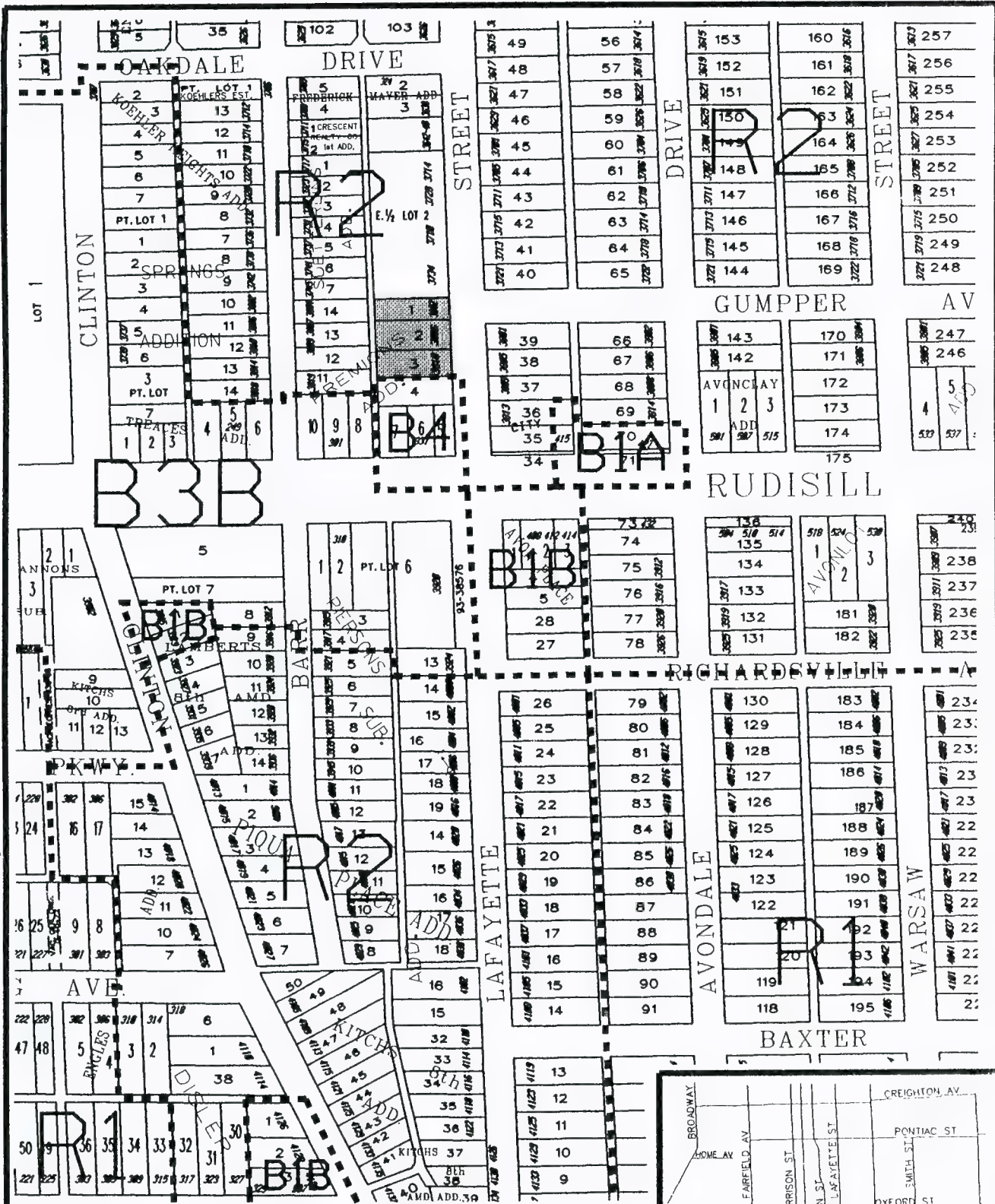
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1997.

Certified and signed this
26th day of November 1997.



Richard Pierce
Secretary

REZONING



REZONING PETITION

CASE NUMBER 646

COUNCIL DISTRICT 5

MAPS M-11

- R 1 - ONE FAMILY RESIDENTIAL
- R 2 - TWO FAMILY RESIDENTIAL
- B 1 A - LIMITED BUSINESS
- B 1 B - LIMITED BUSINESS
- B 3 B - GENERAL BUSINESS
- B 4 - ROADSIDE BUSINESS



FACT SHEET

Z-97-11-14

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-2 to B-1-B

DETAILS

Specific Location and/or Address

3800 Block of Lafayette Street

Reason for Project

Auto Parts Store

Discussion (Including relationship to other Council actions)

17 November 1997 - Public Hearing

(See Attached Minutes of Meeting)

24 November 1997 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion Carried

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Charles McNagny, Richard Pierce, Dave Ross

Members Absent: Linda Buskirk, Thomas Quirk

POSITIONS

Sponsor

Area Affected

Applicants/
Proponents

Opponents

Staff
RecommendationBoard or
Commission
Recommendation

CITY COUNCIL
ACTIONS
(For Council
use only)

RECOMMENDATIONS

City Plan Commission

City Wide

Other Areas

Applicant(s)
Product Marketing Group Inc
City Department

Other

Groups or Individuals

Basis of Opposition

☒ For ☐ Against

Reason Against

By _____

☒ For ☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 16 October 1997

Projected Completion or Occupancy Date 26 November 1997

Fact Sheet Prepared by _____ Date 26 November 1997

Patricia Biancaniello

Reviewed by _____ Date 2 December 1997

Reference or Case Number

- c. Change of Zone #646
From R-2 to B-1-B
3800 Block of Lafayette Street

Dave Augustinyak, real estate broker, appeared before the Commission. He stated that he is requesting a rezoning on three lots from R2 to B1B, adjacent to the Dairy Queen on Lafayette and Rudisill. He stated that the intended use for this site is an retail auto parts store. He stated that they intend to relocate the Dairy Queen. He stated that this will be an 8,000 sq ft structure. He stated that they have submitted plans to the city and to the state highway department. He stated that they feel that they have a plan that is acceptable and meets the safety requirements, regarding ingress/egress, curb cuts and the ability to have a left in and left out on Lafayette Street. He stated that they will also have a two accesses on Rudisill Blvd. He stated that he felt that this area would be enhanced by this development. He stated that this area is mostly rental structures and the neighborhood has changed drastically over the years and it seems to be deteriorating at a rapid pace. He stated that he felt that this project would enhance and increase the stability of the neighborhood. He stated that they have plans for screening along the residential property that is adjacent to this development. He stated that they are willing to do shrubbery or fencing, whatever the residents request. He stated that they tried to contact the neighborhood association for the area, but found that there was no active association. He stated that he did contact the two adjacent neighborhood associations (Williams Park Association and Oxford Association) and explained their plans. He stated that both associations were not unsupportive of the project, but wanted to know more about the plans. He stated that they also contacted Councilmember DeDe Hall and informed her of the project. He stated that this company will not do any servicing of autos in the store, they will sell only parts. He stated that he would appreciate a favorable recommendation from the Commission.

The real estate director for Sears for the Parts America chain appeared before the Commission. He stated that Western Auto is a wholly owned subsidiary of Sears and has been such for about 5 years. He stated that they feel that this site will work for them. He stated that in order to build in this area they will have to do some rezoning. He stated that this appears to be the least evasive of any property they have seen. He stated that the hours of operation are from 7 am to 9 pm, and sometimes in the summer they may work 7 am to 10 pm. Their Sunday hours are 9 am to 6 pm.

Jim Tolbert, 1130 Northlawn Drive, the President of the Southside Business Association appeared before the Commission. Mr. Tolbert spoke in favor of this rezoning. He felt that this would be an asset to the revitalization of the southside area. He stated that their mission is to promote economic development on the south side. He felt that this type of development would help to arrest the blight in the area and he felt it was in the interest of the south side area to approve the requested rezoning.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

From the desk of:
Pat Biancaniello

AGENT:

Dave Augustyniak
2827 MAplecrest Rd
City 15

486-2447

ORIGINAL

ORIGINAL

#646

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3802, 3806 & 3810 Lafayette Street

2-97-11-14

EFFECT OF PASSAGE Property is currently zoned R-2 - Two Family Residential. Property will become zoned B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-2 - Two Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-97-11-14

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City
of Fort Wayne Zoning Map No. M-11

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine

Thomas E. Hayhurst

Debra Lee

John D. Berman

Thomas E. Hayhurst

Martin A. Bunker

Mike Jones

DATED: 12-9-97

Sandra E. Kennedy
City Clerk